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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

01799-0029-999

In re Application of: Partha Neogi et al.

Application No.: 10/530,757

Filed: May 8, 2006

For: Novel Heterocyclic Analogs of Diphenylethylene Compounds

The owner\*, Theracos, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 12/078,662, filed on April 2, 2008, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 36,004

Signature

October 7, 2008

Date

Paul L. Sharer

Typed or printed name

(202) 879-5481

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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